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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/876,322	06/16/1997	DAVID J. ROBSON	7:ROBSON-CON	4900

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[REDACTED] EXAMINER

CINTINS, IVARS C

ART UNIT	PAPER NUMBER
1724	

DATE MAILED: 05/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. <b>08/876,322</b>	Applicant(s) <b>Robson et al.</b>
	Examiner <b>Ivars Cintins</b>	Art Unit <b>1724</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on Mar 11, 2003
- 2a)  This action is FINAL.      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1, 3-6, 8-15, 17, 20, 24, and 25 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1, 3-6, 8-15, 20, 24, and 25 is/are rejected.
- 7)  Claim(s) 17 is/are objected to.
- 8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All b)  Some\* c)  None of:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
  - a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-6, 8-15, 20, 24 and 25 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Sohniius (U.S. Patent No. 3,607,741) in view of published European patent application EP 0 213 252 A1. As pointed out in the previous Office Action, Sohniius discloses the claimed invention with the exception of the specific cellulosic material employed. Published European patent application EP 0 213 252 A1 discloses treating a lignocellulosic material in the recited manner, and further teaches (col. 1, lines 6-8) that such treatment increases the dimensional stability of the lignocellulosic material, and also improves its resistance to biological degradation. Since both of these characteristics would obviously be desirable for the material of Sohniius, particularly since this reference material will be used in open and rough bodies of water (col. 1, line 21), it would have been obvious to one of ordinary skill in the liquid purification art to substitute the treated lignocellulosic

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material of published European patent application EP 0 213 252 A1 for the cellulosic material of Sohnies, in order to obtain the advantages disclosed by this secondary reference for the system of the primary reference.

Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowed if rewritten in independent form to include all of the limitations of parent claim 1.

Applicant's arguments presented in the response filed March 11, 2003 have been noted and carefully considered. For at least the reasons given on pages 5-6 of this response, it is agreed that one of ordinary skill in the art at the time the invention was made would not have been motivated to combine the teachings of Norman et al. and European patent application EP 0 213 252 A1 in the manner previously proposed. Accordingly, the rejection based on these two references, contained in the previous Office action, has been withdrawn.

Applicant's response filed March 11, 2003 also presents comparative test data in an attempt to overcome the rejection of claims 1, 3-6, 8-15, 20, 24 and 25 based on Sohnies in view of published European patent application EP 0 213 252 A1. It is pointed out, however, that the test data presented on pages 2-4 of this response cannot be relied upon to demonstrate new and unexpected results because this data has not been presented in

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proper 37 CFR § 1.132 affidavit or declaration form (see MPEP § 716.01(c)). Upon receipt of a proper "Rule 132" declaration, these test results will be considered, and the above rejection will be reevaluated.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are

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unsuccessful, the examiner's supervisor, Mr. Thomas Dunn, can be reached at (703) 308-3318.

The fax phone numbers for this art unit are: (703) 872-9311 for "Official" faxes after Final Rejection; (703) 872-9310 for all other "Official" faxes; and (703) 872-9492 for "Draft" and other "Unofficial" faxes.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

*Ivars Cintins*  
Ivars C. Cintins  
Primary Examiner  
Art Unit 1724

I. Cintins  
May 18, 2003